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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

Case No. VN-2008-578

CATHLEEN MARIE ZEPEDA
405 Concho Drive
Sedona, AZ 86351

Applicant for Vocational Nurse License

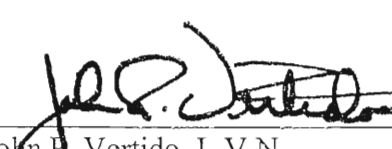
Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of
Vocational Nursing and Psychiatric Technicians as the final Decision in the above-entitled matter.

This Decision shall become effective on March 24, 2010.

IT IS SO ORDERED this 22nd day of February, 2010.



John P. Vertido, L.V.N.
President

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 SHERRY L. LEDAKIS
Deputy Attorney General
4 State Bar No. 131767
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2078
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
12 Against:

13 **CATHLEEN MARIE ZEPEDA**
14 1940 Laguna Drive
La Habra, CA 90631

Case No. VN2008-578

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15
16
17 Respondent.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive Officer of the
23 Board of Vocational Nursing and Psychiatric Technicians. She brought this action solely in her
24 official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of
25 the State of California, by Sherry L. Ledakis, Deputy Attorney General.

26 2. Respondent Cathleen Marie Zepeda (Respondent) is represented in this proceeding by
27 attorney Richard Curran, Esq., whose address is 1235 N. Harbor Blvd., Suite 290
28 Fullerton, CA 92832.

3. On or about July 14, 2008, Respondent filed an application dated March 12, 2008, with the Board of Vocational Nursing and Psychiatric Technicians to obtain a license as a vocational nurse.

JURISDICTION

4. Statement of Issues No. VN2008-578 was filed before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on September 11, 2009. A copy of Statement of Issues No. VN2008-578 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Statement of Issues No. VN2008-578. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. VN2008-578.

9. Respondent agrees that her application for licensure is subject to denial and she agrees to be bound by the Board of Vocational Nursing and Psychiatric Technician's imposition of discipline as set forth in the Disciplinary Order below.

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1 1. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local laws,
2 including all statutes and regulations governing the license. Respondent shall submit, in writing, a
3 full and detailed account of any and all violations of the law, including alleged violations, to the
4 Board within five (5) days of occurrence.

5 To ensure compliance with this condition, respondent shall submit fingerprints through the
6 Department of Justice and Federal Bureau of Investigation within thirty (30) days of the effective
7 date of the decision, unless the Board determines that fingerprints were previously submitted by
8 the respondent to the Board.

9 Respondent shall also submit to the Board a recent 2" x 2" photograph of herself within
10 thirty (30) days of the effective date of the decision.

11 If respondent is under a criminal court order, including probation or parole, and the order is
12 violated, it shall be deemed a violation of these probation conditions.

13 2. **COMPLIANCE WITH PROBATION PROGRAM.** Respondent shall fully
14 comply with the conditions of probation established by the Board and shall cooperate with
15 representatives of the Board in its monitoring and investigation of the respondent's compliance
16 with the Probation Program.

17 Upon successful completion of probation, the respondent's license will be fully restored.

18 3. **SUBMIT WRITTEN REPORTS.** Respondent shall submit or cause to be
19 submitted, under penalty of perjury, any written reports, declarations and verification of actions
20 as required by the Board or its representatives. These reports or declarations shall contain
21 statements relative to respondent's compliance with all the conditions of the Board's Program.
22 Respondent shall immediately execute all release of information forms as may be required by the
23 Board or its representatives.

24 In the first report, Respondent shall provide a list of all states and territories where she has
25 ever been licensed as a vocational/practical nurse, psychiatric technician, or registered nurse.
26 Respondent shall provide information regarding the status of each license and any change in
27 license status during the period of probation. Respondent shall inform the Board if she applies for
28 or obtains a new nursing or psychiatric technician license during the period of probation.

Respondent shall provide a copy of the Board's decision to the regulatory agency in every state and territory in which she has applied for or holds a vocational/practical nurse, psychiatric technician and/or registered nurse license.

4. NOTIFICATION OF ADDRESS AND TELEPHONE NUMBER CHANGE(S).

Respondent shall notify the Board, in writing, within five (5) days of any change in address or telephone number(s).

Respondent's failure to claim mail sent by the Board may be deemed a violation of these probation conditions.

5. NOTIFICATION OF RESIDENCY OR PRACTICE OUTSIDE OF STATE.

Respondent shall notify the Board, in writing, within five (5) days, if she leaves California to reside or practice in another state. Periods of residency or practice outside of California shall not apply toward a reduction of this probation time period. If Respondent resides or practices outside of California, the period of probation shall be automatically extended for the same time period she resides or practices outside of California. The respondent shall provide written notice to the Board within five (5) days of any change of residency or practice.

Respondent shall notify the Board, in writing, within five (5) days, upon her return to California.

6. MEETINGS WITH BOARD REPRESENTATIVE(S). Respondent shall appear in person at meetings as directed by the Board or its designated representatives.

7. NOTIFICATION TO EMPLOYER(S). When currently employed or applying for employment in any capacity in any health care profession, Respondent shall notify her employer of the probationary status of Respondent's license. This notification to the Respondent's current health care employer shall occur no later than the effective date of the Decision. The respondent shall notify any prospective health care employer of her probationary status with the Board prior to accepting such employment. At a minimum, this notification shall be accomplished by providing the employer or prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

///

1 The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse,
2 Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency Medical
3 Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary technical
4 health care positions.

5 Respondent shall cause each health care employer to submit to the Board all performance
6 evaluations and any other employment related reports as required by the Board. Respondent shall
7 notify the Board, in writing, of any difficulty in securing employer reports within five (5) days of
8 such an event.

9 Respondent shall notify the Board, in writing, within five (5) days of any change in
10 employment status. Respondent shall notify the Board, in writing, if she is terminated or
11 separated, regardless of cause, from any nursing or health care related employment with a full
12 explanation of the circumstances surrounding the termination or separation.

13 8. **EMPLOYMENT REQUIREMENTS AND LIMITATIONS.** Respondent shall
14 work in her licensed capacity in the state of California. This practice shall consist of no less than
15 six (6) continuous months and of no less than twenty (20) hours per week.

16 Respondent shall not work for a nurses' registry or in any private duty position, a temporary
17 nurse placement agency, as a faculty member in an accredited or approved school of nursing, or
18 as an instructor in a Board approved continuing education course except as approved, in writing,
19 by the Board. Respondent shall work only on a regularly assigned, identified and predetermined
20 work site(s) and shall not work in a float capacity except as approved, in writing, by the Board.

21 9. **SUPERVISION REQUIREMENTS.** Before commencing or continuing
22 employment in any health care profession, Respondent shall obtain approval from the Board of
23 the supervision provided to the respondent while employed.

24 Respondent shall not function as a charge nurse (i.e., work in any healthcare setting as the
25 person who oversees or directs licensed vocational nurses, psychiatric technicians, certified
26 nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during
27 the period of probation except as approved, in writing, by the Board.

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1 10. **COMPLETION OF EDUCATIONAL COURSE(S).** Respondent, at her own
2 expense, shall enroll and successfully complete a course(s) substantially related to the violation(s)
3 no later than the end of the first year of probation.

4 The coursework shall be in addition to that required for license renewal. The Board shall
5 notify the respondent of the course content and number of contact hours required. Within thirty
6 (30) days of the Board's written notification of assigned coursework, Respondent shall submit a
7 written plan to comply with this requirement. The Board shall approve such plan prior to
8 enrollment in any course of study.

9 Upon successful completion of the course, respondent shall submit "original" completion
10 certificates to the Board within thirty (30) days of course completion.

11 11. **MAINTENANCE OF VALID LICENSE.** Respondent shall, at all times, maintain
12 an active current license with the Board including any period of suspension.

13 If an initial license must be issued (Statement of Issues) or a license is reinstated, probation
14 shall not commence until a license is issued by the Board. Respondent must complete the
15 licensure process within two (2) years from the effective date of the Board's decision.

16 Should Respondent's license expire, by operation of law or otherwise, upon renewal or
17 reinstatement, Respondent's license shall be subject to any and all conditions of this probation not
18 previously satisfied.

19 12. **LICENSE SURRENDER.** During probation, if Respondent ceases practicing due to
20 retirement, health reasons, or is otherwise unable to satisfy the conditions of probation,
21 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
22 Respondent's request and to exercise its discretion whether to grant the request without further
23 hearing. Upon formal acceptance of the tendered license, Respondent will no longer be subject to
24 the conditions of probation.

25 Surrender of Respondent's license shall be considered a disciplinary action and shall
26 become a part of Respondent's license history with the Board. A licensee who surrenders her
27 license may petition the Board for reinstatement no sooner than the following minimum periods
28 from the effective date of the disciplinary decision for the surrender:

1 Three (3) years for reinstatement of a license surrendered for any reason other than a mental
2 or physical illness; or one (1) year for a license surrendered for a mental or physical illness.

3 13. **VIOLATION OF PROBATION.** If Respondent violates the conditions of her
4 probation, the Board, after giving the respondent notice and an opportunity to be heard, may set
5 aside the stay order and impose the stayed discipline (denial/revocation/suspension) of the
6 respondent's license. If during probation, an accusation or petition to revoke probation has been
7 filed against the respondent's license or the Attorney General's Office has been requested to
8 prepare an accusation or petition to revoke probation against the respondent's license, the
9 probationary period shall automatically be extended and shall not expire until the accusation or
10 petition has been acted upon by the Board.

11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
13 discussed it with my attorney, Richard Curran, Esq.. I understand the stipulation and the effect it
14 will have on my vocation nurse license. I enter into this Stipulated Settlement and Disciplinary

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1 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
2 of the Board of Vocational Nursing and Psychiatric Technicians.

3
4 DATED: 10.27.09

Cathleen Marie Zepeda
CATHLEEN MARIE ZEPEDA
Respondent

6
7 I have read and fully discussed with Respondent Cathleen Marie Zepeda the terms and
8 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
9 I approve its form and content.

10
11 DATED: 10.27.09

Richard J. Curran
RICHARD CURRAN, Esq
Attorney for Respondent

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14 ///

15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of
18 the Department of Consumer Affairs.

19 Dated: Nov. 2, 2009

20 Respectfully Submitted,

21 EDMUND G. BROWN JR.
Attorney General of California
22 LINDA K. SCHNEIDER
Supervising Deputy Attorney General

23 *Sherry L. Ledakis*
24 SHERRY L. LEDAKIS
25 Deputy Attorney General
26 Attorneys for Complainant

27
28 SJ2009801610
Stipulation.rtf

Exhibit A

Statement of Issues No. VN2008-578

1 EDMUND G. BROWN, JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER,
Supervising Deputy Attorney General
3 SHERRY L. LEDAKIS, State Bar No. 131767
Deputy Attorney General
4 California Department of Justice
110 West "A" Street, Suite 1100
5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2078
Facsimile: (619) 645-2061
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Attorneys for Complainant
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9 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. VN 2008-578

13 **CATHLEEN MARIE ZEPEDA**
405 Concho Drive
14 Sedona, AZ 86351

STATEMENT OF ISSUES

15 Applicant/ Respondent.
16

17 Complainant alleges:

18 PARTIES

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this
20 Statement of Issues solely in her official capacity as the Executive Officer of the Board of
21 Vocational Nursing and Psychiatric Technicians.

22 2. On or about July 14, 2008, The Board of Vocational Nursing and
23 Psychiatric Technicians received an application for a Vocational Nurse License from Cathleen
24 Marie Zepeda (Respondent). On or about March 12, 2008, Cathleen Marie Zepeda
25 certified under penalty of perjury to the truthfulness of all statements, answers, and representation
26 in the application. The Board denied the application on December 16, 2008.

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1 (2) Done any act involving dishonesty, fraud, or deceit with the intent to
2 substantially benefit himself or herself or another, or substantially injure another.

3 (3) (A) Done any act that if done by a licentiate of the business or
4 profession in question, would be grounds for suspension or revocation of license.

5 (B) The board may deny a license pursuant to this subdivision only if
6 the crime or act is substantially related to the qualifications, functions, or duties of
7 the business or profession for which application is made.

8 7. Section 493 of the Code states:

9 Notwithstanding any other provision of law, in a proceeding conducted by
10 a board within the department pursuant to law to deny an application for a license
11 or to suspend or revoke a license or otherwise take disciplinary action against a
12 person who holds a license, upon the ground that the applicant or the licensee has
13 been convicted of a crime substantially related to the qualifications, functions, and
14 duties of the licensee in question, the record of conviction of the crime shall be
15 conclusive evidence of the fact that the conviction occurred, but only of that fact,
16 and the board may inquire into the circumstances surrounding the commission of
17 the crime in order to fix the degree of discipline or to determine if the conviction
18 is substantially related to the qualifications, functions, and duties of the licensee in
19 question.

20 As used in this section, "license" includes "certificate," "permit,"
21 "authority," and "registration."

22 8. Section 2878 of the Code states:

23 The board may suspend or revoke a license issued under this chapter for
24 any of the following:

25 (a) Unprofessional conduct, which includes, but is not limited to, the
26 following:

27 . . .

28 (f) Conviction of a crime substantially related to the qualifications,
functions, and duties of a licensed vocational nurse, in which event the
record of the conviction shall be conclusive evidence of the conviction.

. . . .

(j) The commission of any act involving dishonesty, when that action is
related to the duties and functions of the licensee.

. . . .

9. Section 2878.6 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo
contendere made to a charge substantially related to the qualifications, functions
and duties of a licensed vocational nurse is deemed to be a conviction within the
meaning of this article. The board may order the license suspended or revoked, or
may decline to issue a license, when the time for appeal has elapsed, or the

1 judgment of conviction has been affirmed on appeal or when an order granting
2 probation is made suspending the imposition of sentence, irrespective of a
3 subsequent order under the provisions of Section 1203.4 of the Penal Code
4 allowing such person to withdraw his plea of guilty and to enter a plea of not
guilty, or setting aside the verdict of guilty, or dismissing the accusation,
information or indictment.

5 10. California Code of Regulations, title 16, section 2521, states:

6 For the purposes of denial, suspension, or revocation of a license pursuant
7 to Division 1.5 (commencing with Section 475) of the Business and Professions
8 Code), a crime or act shall be considered to be substantially related to the
9 qualifications, functions or duties of a licensed vocational nurse if to a substantial
10 degree it evidences present or potential unfitness of a licensed vocational nurse to
11 perform the functions authorized by his license in a manner consistent with the
12 public health, safety, or welfare. Such crimes or acts shall include but not be
13 limited to those involving the following:

14 ...

15 (e) Conviction of a crime involving fiscal dishonesty.

16

17 11. California Code of Regulations, title 16, section 2522, states:

18 (a) When considering the denial of a license under Section 480 of the
19 Business and Professions Code, the Board, in evaluating the rehabilitation of the
20 applicant and his present eligibility for a license, will consider the following
21 criteria:

22 (1) The nature and severity of the act(s) or crime(s) under
23 consideration as grounds for denial.

24 (2) Evidence of any act(s) committed subsequent to the act(s) or
25 crime(s) under consideration as grounds for denial which also could be considered
26 as grounds for denial under Section 480 of the Business and Professions Code.

27 (3) The time that has elapsed since commission of the act(s) or
28 crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied.

FIRST CAUSE FOR DENIAL OF APPLICATION

**(March 3, 2008 Criminal Conviction for Knowingly Presenting False Insurance
Claims and Forgery between February 2002 and January 2003)**

12. Respondent's application is subject to denial under sections 480
(a)(1) of the Code and California Code of Regulations, title 16, section 2521(e) in that she was

1 convicted of crimes that are substantially related to the qualifications, duties, and functions of a
2 licensed vocational nurse. The circumstances are as follows:

3 a. In 2002, Respondent worked for her father, a State Farm Agent, as an
4 Agent Support Staff member in La Habra, California. Respondent admitted that she would
5 create and cash State Farm Draft Authority Checks for fraudulent claims on auto policies
6 belonging to various policy holders. Respondent created the drafts in the name of the insured,
7 forged the insured's name on the draft and cashed the checks for her own personal use. In total,
8 the drafts were worth over \$30,000.00. Respondent primarily used the names of family, friends
9 and employees at the State Farm agency. Later, these people refused to cooperate with
10 investigators due to the investigation causing "tumultuous family relationships," or work
11 problems.

12 b. On or about March 3, 2008, in a criminal proceeding entitled *People of the*
13 *State of California v. Cathleen Marie Zepeda*, in Orange County Superior Court case number
14 06CF4073, Respondent was convicted on her plea of guilty to violating fourteen (14) counts of
15 Penal Code section 550(a)(1),(knowingly presenting false insurance claims) and fourteen counts
16 of violating Penal Code section 475(a) (forgery), as felonies.

17 c. As a result of these convictions, Respondent was sentenced to three (3)
18 years of formal probation on condition that she serve 120 days in the Orange County jail, pay full
19 restitution in the amount of \$30,256.93 and complete 360 hours of community service.

20 **SECOND CAUSE FOR DENIAL OF APPLICATION**

21 **(Commission of Acts Involving Dishonesty, Fraud and Deceit)**

22 13. Respondent's application is subject to denial under sections 480(a)(2) of
23 the Code in that, while working for her father as a State Farm Agency Support Staff member,
24 Respondent committed acts involving dishonesty, fraud and deceit with the intent to substantially
25 benefit herself, as set forth in paragraph 12, above.

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1 **THIRD CAUSE FOR DENIAL OF APPLICATION**

2 **(Commission of Act Which Would be Grounds**
3 **for Suspension or Revocation of License)**

4 14. Respondent's application is subject to denial under section 480(a)(3)(A),
5 2878(f) and 2878(j) of the Code in that Respondent committed acts, which if committed while a
6 licensee of the Board, would be grounds for suspension or revocation of the license, as set forth
7 in paragraph 12, above.

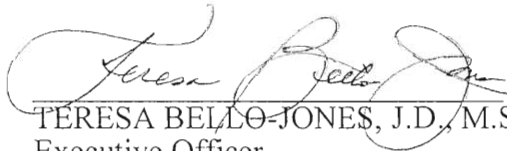
8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
11 Technicians issue a decision:

12 1. Denying the application of CATHLEEN MARIE ZEPEDA for licensure as
13 a vocational nurse.

14 2. Taking such other and further action as deemed necessary and proper.
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16 DATED: March 17, 2009
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22 TERESA BELLO-JONES, J.D., M.S.N., R.N.
23 Executive Officer
24 Board of Vocational Nursing and Psychiatric Technicians
25 Department of Consumer Affairs
26 State of California
27 Complainant
28

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